

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Ben's Auto Body, Inc.

v.

Civil No. 07-cv-417-PB

Progressive Alliances
Insurance Agency, Inc.

O R D E R

Plaintiff bases Counts I and II of its complaint on alleged violations of [N.H. Rev. Stat. Ann. § 417:3](#). While the New Hampshire legislature has authorized consumers to recover damages for violations of § 417:3 in certain circumstances, it did not expressly authorize other private actors to recover damages. Nor has the plaintiff pointed to any evidence that the legislature intended to authorize such actions by implication. Neither the New Hampshire Constitution nor New Hampshire common law authorize implied private rights of action under such circumstances. See, e.g., [Berry v. Watchtower Bible and Tract. Soc. of N.Y., 152 N.H. 407, 411 \(2005\)](#).

Defendant's motion to dismiss ([Doc. No. 5](#)) is granted.
Counts I and II of the complaint are dismissed.

SO ORDERED.

Paul Barbadoro
United States District Judge

April 24, 2008

cc: Earl L. Kalil, Jr., Esq.
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Russell Hilliard, Esq.